



www.cn.ca

Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

231362

FEE RECEIVED
NOV 29 2011
SURFACE
TRANSPORTATION BOARD

NOV 29 2011

November 28, 2011

Via Overnight Mail

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20424

Re: Docket No. AB-303 (Sub-No. 38X), Wisconsin Central, Ltd. —
Abandonment Exemption — Fond du Lac, Wisconsin

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Wisconsin Central, Ltd. dated November 28, 2011, pursuant to 49 C.F.R. § 1152.50. I am also enclosing a check in the amount of \$3,600.00, representing the appropriate fee for this filing.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Respectfully submitted,

Tom Healey / RB

Thomas J. Healey
Attorney for
Wisconsin Central, Ltd.

Encls.

cc: Wisconsin Department of Transportation

FILED

NOV 29 2011

SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
NOV 29 2011
SURFACE
TRANSPORTATION BOARD

231362

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 38X)

WISCONSIN CENTRAL LTD.
— ABANDONMENT EXEMPTION —
IN FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN

VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
PURSUANT TO 49 C.F.R. § 1152.50

NOV 29 2011
FOND DU LAC
PUBLIC RECORDS

FILED
NOV 29 2011
SURFACE
TRANSPORTATION BOARD

Thomas J. Healey
17641 S. Ashland Avenue
Homewood, IL 60430-1345
(708) 332-4381
ATTORNEY FOR
WISCONSIN CENTRAL LTD.

Dated: November 28, 2011

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (Sub-No. 38X)

WISCONSIN CENTRAL LTD.
- ABANDONMENT EXEMPTION -
IN FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN

**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
PURSUANT TO 49 C.F.R. § 1152.50**

Wisconsin Central Ltd. ("WCL") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad in Fond du Lac, Fond du Lac County, Wisconsin, referred to herein as the "Line" between milepost 175.40 and milepost 176.00, a distance of 0.60 miles.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), WCL submits the following information:

General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)

WCL is a Class I common carrier by rail which owns and operates approximately 1,800 miles of rail line in four Upper Midwestern states. WCL is a wholly-owned indirect subsidiary of Canadian National Railway Company. The complete name and address of WCL is:

Wisconsin Central Ltd.
17641 S. Ashland Avenue
Homewood, IL 60430-1345

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, WCL intends to abandon its line of railroad between Mileposts 175.40 to 176.00, a distance of approximately 0.60 miles in Fond du Lac, Fond du Lac County, Wisconsin.

Map: 49 C.F.R. § 1152.22(a)(4)

A map of the Line to be abandoned is attached hereto as Exhibit A.

WCL's Representative: 49 C.F.R. § 1152.22(a)(7)

WCL's representative to whom correspondence regarding this abandonment should be sent is:

Thomas J. Healey
17641 S. Ashland Avenue
Homewood, IL 60430-1345
(708) 332-4381

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The portion of the Line to be abandoned traverses United States Postal Service ZIP Code 54936.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

Per the certificate and verification attached hereto as Exhibit B, WCL certifies that no local revenue traffic has moved over the portion of the Line to be abandoned for at least the last two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on the portion of the Line to be abandoned (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

Consummation Date: 49 C.F.R. § 1152.50(d)(2)

WCL will not consummate the proposed abandonment any earlier than January 30, 2012.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

The Line may be suitable as a trail. WCL has received requests from Fond du Lac County and WDNR for acquiring this piece of property as a continuation of a trail that is currently in place west of the Line. WCL does not believe that the right-of-way would be of interest to the State or any other entity as a highway or mass transportation line or other similar public use because it sits in a highly developed urban area with a mature roadway system.

Labor Protection: 49 C.F.R. 1152.50(d)(2)

The level of labor protection applicable in rail line abandonment is that established in *Oregon Short Line Co. — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)

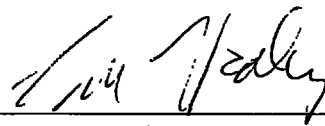
A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

An Environmental and Historic Report, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, was already filed with the Surface Transportation Board in this proceeding.

Since filing the Environmental and Historic Report with the Surface Transportation Board, WCL has received correspondence from the Fish and Wildlife Service, see attached as Exhibit D. The Service has stated there are no federally-listed, proposed or candidate species that would be expected within the project area.

Respectfully submitted,

By 
Thomas J. Healey
17641 S. Ashland Avenue
Homewood, IL 60430-1345
(708) 332-4381

ATTORNEY FOR WISCONSIN CENTRAL LTD.

3



EXHIBIT B

DOCKET NO. AB-303 (SUB-NO. 38X)

**WISCONSIN CENTRAL, LTD.
— ABANDONMENT EXEMPTION —
IN FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN**


CERTIFICATE AND VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

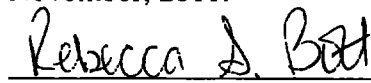
Brian Buchanan, being duly sworn, deposes and says:

1. That no local traffic has moved over the line of Wisconsin Central, Ltd. ("WCL") from milepost 175.40 to 176.00, a distance of 0.60 miles in Fond du Lac, Fond du Lac County, Wisconsin, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Date: November 28, 2011


Brian Buchanan
Manager – Network Strategies
Wisconsin Central, Ltd.

Subscribed and sworn to
before me this 28th day of
November, 2011.



Notary Public

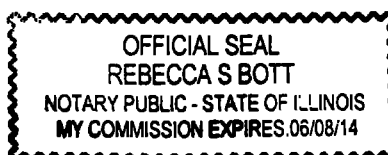


EXHIBIT C

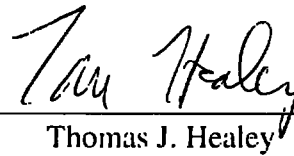
CERTIFICATE

I, Thomas J. Healey, an attorney for Wisconsin Central, Ltd., hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-303, (Sub-No. 38X), Wisconsin Central, Ltd. — Abandonment Exemption — in Fond du Lac, Fond du Lac County, Wisconsin:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to-wit: On October 11, 2011, written notice was mailed to the: (a) Wisconsin Department of Transportation; (b) U.S. Department of Defense, MTMCTEA; (c) National Center for Recreation and Conservation; and (d) U.S. Department of Agriculture (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On September 23, 2011, the Environmental Report and Historic Report for this proceeding, which reports have also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on August 23, 2011, in *The Fond du Lac Reporter*, a newspaper of general circulation in Fond du Lac, Fond du Lac County, Wisconsin. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and Affidavit of Publication are attached to this Certificate as Attachment 7.



Thomas J. Healey

Dated: November 28, 2011



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Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339
T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

October 11, 2011

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Ave.
PO Box 7910
Madison, WI 53707-7910

Re: Docket No. AB-303 (Sub-No. 38X), Wisconsin Central, Ltd.
Notice of Exemption in Fond du Lac, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central, Ltd. shall on or after October 24, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.60 miles of railroad line starting at milepost 175.40 and ending at milepost 176.00 in Fond du Lac County, Fond du Lac, Wisconsin. Such line runs through U.S. Postal Zip Code 54936.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey
Attorney for Wisconsin Central, Ltd.



www.cn.ca

Law

Thomas J. Healey
Counsel - Regulatory
17641 S Ashland Avenue
Homewood, IL 60430-1339
T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

October 11, 2011

Military Surface Deployment and Distribution Command
Transportation Engineering Agency
Attn: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Re: Docket No. AB-303 (Sub-No. 38X), Wisconsin Central, Ltd.
Notice of Exemption in Fond du Lac, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central, Ltd. shall on or after October 24, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.60 miles of railroad line starting at milepost 175.40 and ending at milepost 176.00 in Fond du Lac County, Fond du Lac, Wisconsin. Such line runs through U.S. Postal Zip Code 54936.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey
Attorney for Wisconsin Central, Ltd.

ATTACHMENT 2



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Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood, IL 60430-1339
T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

October 11, 2011

Mr. Thomas Ross, Division Chief
National Center for Recreation and Conservation
National Park Service
1849 C. Street, N.W.
Org. Code 2220
Washington, D.C. 20420

Re: Docket No. AB-303 (Sub-No. 38X), Wisconsin Central, Ltd.
Notice of Exemption in Fond du Lac, Wisconsin

Dear Mr. Ross:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central, Ltd. shall on or after October 24, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.60 miles of railroad line starting at milepost 175.40 and ending at milepost 176.00 in Fond du Lac County, Fond du Lac, Wisconsin. Such line runs through U.S. Postal Zip Code 54936.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey
Attorney for Wisconsin Central, Ltd.

ATTACHMENT 3



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Law

Thomas J. Healey
Counsel - Regulatory
17641 S Ashland Avenue
Homewood, IL 60430-1339
T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

October 11, 2011

Ms. Abigail Kimball
Chief, Forest Service
U.S. Department of Agriculture
1400 Independence Ave., S.W.
RM 4NW YATESBG
Washington, DC 20250

Re: Docket No. AB-303 (Sub-No. 38X), Wisconsin Central, Ltd.
Notice of Exemption in Fond du Lac, Wisconsin

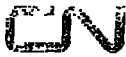
Dear Ms. Kimball:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central, Ltd. shall on or after October 24, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.60 miles of railroad line starting at milepost 175.40 and ending at milepost 176.00 in Fond du Lac County, Fond du Lac, Wisconsin. Such line runs through U.S. Postal Zip Code 54936.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey
Attorney for Wisconsin Central, Ltd.



www.cn.ca

Law

Thomas J. Healey
Counsel - Regulatory
17641 S. Ashland Avenue
Homewood IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

September 23, 2011

Re: Wisconsin Central, Ltd. Notice of Exemption for Abandonment – Fond du Lac, Wisconsin - Docket AB-303 (Sub-No. 38X)

To Whom It May Concern:

Any time on or after October 24, 2011, Wisconsin Central, Ltd. ("WCL") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost 175.40 and milepost 176.00, a distance of 0.60 miles, in Fond du Lac, Fond du Lac County, Wisconsin. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423-0001, (202) 245-0245, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on or about September 23, 2011. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (708) 332-4381 or by mail at the above address.

Sincerely,

Thomas J. Healey
Attorney for Wisconsin Central, Ltd.

Encls.

**Ms. LaDawn Whitehead
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604**

**Wisconsin Coastal Management Program
101 East Wilson Street
Post Office Box 8944
Madison, WI 53708-8944**

**Mr. Rick Gudex, Council President
City Council Offices
160 S. Macy Street
Fond du Lac, WI 54935**

**U.S. Environmental Protection Agency
Office of Water
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460**

**U.S. Fish and Wildlife Service
2661 Scott Tower Drive
New Franken, WI 54229**

**U.S. Army Corp of Engineers
St. Paul District
180 5th St. East, Suite 700
St. Paul, MN 55101-1678**

**Michael Reynolds, Regional Director
National Park Service-Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226**

**Mr. Cory Drummond, District Conservationist
Natural Resources Conservation Service
W6529 Forest Avenue
Fond du Lac, WI 54937-9389**

**Wisconsin DNR Central Office
101 S. Webster Street
PO Box 7921
Madison, WI 53707-7921**

**Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue
PO Box 7910
Madison, WI 53707-7910**

**Mr. Wayne Rollins, AICP
City of Fond du Lac
160 S. Macy Street
PO Box 150
Fond du Lac, WI 54936-0150**

**Wisconsin Historical Society
Office of Preservation Planning
816 State Street
Madison, WI 53706**

THE REPORTER

www.fdlreporter.com

Legal No 1042
Ad No 6405999
Case No
PO No
479579 CN Law Department

AFFIDAVIT OF PUBLICATION

ATTN:

STATE OF WISCONSIN, }
Fond du Lac County, }

ss

Susan Giese being duly sworn, says that she is the fore-
man of the publisher of The Reporter, a daily newspaper published in the city of
Fond du Lac, in said county, and that a notice, of which annexed is a printed
copy taken from said paper, has been published in said newspaper as follows.

August 23

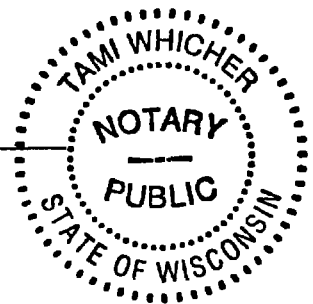
Subscribed and sworn to before me this 23rd day of

August

A.D. 2011.

Tami Whicher
Notary Public, Fond du Lac, Wisconsin
My commission expires August 10, 2014

Printer's Fees: \$46 66



State of Wisconsin Fond du Lac County

Circuit Court

Proof of Publication Notice

ATTACHMENT 7

Affidavits

17

WISCONSIN
CENTRAL LTD
gives notice that on or
after August 24, 2011,
it intends to file with
the Surface Transpor-
tation Board, Wash-
ington, DC 20423, a no-
tice of exemption un-
der 49 CFR 1152 Sub-
part F-Exempt Aban-
donments; permitting
the abandonment of
0.60 miles of railroad
line between milepost
175.40 and milepost
176.00 in Fond du Lac
County, Fond du Lac
Wisconsin, which line
traverses through
U.S. Postal Zip Code
54936. The proceeding
will be docketed as
AB-303 (Sub No 38X).
The Board's Section
of Environmental
Analysis (SEA) will
generally prepare an
Environmental Assess-
ment (EA), which
will normally be
available 25 days af-
ter the filing of the no-
tice of exemption.
Comments on environ-
mental and energy
matters should be
filed no later than 15
days after the EA be-
comes available to the
public and will be ad-
dressed in a Board de-
cision. Interested per-
sons may obtain a
copy of the EA or
make inquiries re-
garding environmen-
tal matters by writing
to the SEA, Surface
Transportation Board,
395 E. Street SW,
Washington, DC 20423
or by calling that of-
fice at (202) 245-0245.
Appropriate offers of
financial assistance to
continue rail service
can be filed with the
Board. Requests for
environmental condi-
tions, public use con-
ditions, or rail ban-
king/trails use also
can be filed with the
Board. An original
and 10 copies of any
pleading that raises
matters other than en-
vironmental issues
(such as trails use,
public use, and offers
of financial assis-
tance) must be filed
directly with the
Board's Office of the
Secretary, 395 E.
Street SW, Washing-
ton, DC 20423-0001.
[See 49 CFR 1104.1(a)
and 1104.3(a)], and
one copy must be
served on applicant's
representative. [See
49 CFR 1104.12(a)].
Questions regarding
offers of financial as-
sistance, public use or
trail use may be di-
rected to the Commis-
sion's Office of Con-
gressional and Public
Services at (202) 245-
0245. Copies of any
comments or requests
for conditions should
be served on the ap-
plicant's representa-
tive. Thomas J. Hea-
ley, (708) 332-4381 at
17641 S. Ashland
Avenue, Homewood,
IL 60430.
Published August 23,
2011 (1042) WNAXLP



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Green Bay ES Field Office
2661 Scott Tower Drive
New Franken, Wisconsin 54229-9565
Telephone 920/866-1717
FAX 920/866-1710

October 26, 2011

Mr. Thomas Healey
CN
17641 S. Ashland Avenue
Homewood, Illinois 60430-1339

re: Wisconsin Central, Ltd.
Notice of Exemption for Abandonment
City of Fond du Lac
Fond du Lac County, Wisconsin

Dear Mr. Healey:

The U.S. Fish and Wildlife Service (Service) has received your letter dated September 23, 2011, requesting comments on the subject project. The project involves the abandonment of a railroad line located in the City of Fond du Lac, Fond du Lac County, Wisconsin. We have reviewed the information provided in your letter and our comments follow.

Federally-Listed Species, Proposed and Candidate Species, and Critical Habitat

Due to the project location, no federally-listed, proposed, or candidate species would be expected within the project area. No critical habitat is present. This precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended. Should additional information on listed or proposed species or their critical habitat become available or if project plans change or if portions of the proposed project were not evaluated, it is recommended that you contact our office for further review.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Ms. Jill Utrup 920-866-1734.

Sincerely,

Peter J. Fasbender
Field Supervisor